

**BYLAWS OF THE
LIVINGSTON URBAN RENEWAL AGENCY**

ARTICLE I - PURPOSE

The Livingston Urban Renewal Plan (Plan) has been adopted by the Livingston City Commission (Ord. #1932) and pursuant to 7-15-4231 Montana Code Annotated (MCA) the City Commission has established the Livingston Urban Renewal Agency (Agency) to administer the Plan and to exercise the urban renewal project powers as set forth in Title 7, Chapter 15, Parts 42 and 43 of the MCA.

ARTICLE II – MEMBERSHIP

1. Membership of the Livingston Urban Renewal Agency. The Chairman of the Livingston City Commission shall appoint, by and with the advice and consent of the City Commission, each member of the Agency. The initial membership shall consist of one commissioner appointed for 1 year, one for 2 years, one for 3 years and two for 4 years. Each appointment thereafter shall be for 4 years. A certificate of the appointment or reappointment of the commissioners shall be filed with the clerk of the City of Livingston and shall be conclusive evidence of the due and proper appointment of such commissioner. Each commissioner shall hold office until his or her successor has been appointed and qualified.

2. Qualifications. To be a member of the Agency, the agency commissioner must reside within the City of Livingston, be at least 18 years of age, be a registered voter, be a citizen of Montana, and be a citizen of the United States of America. An agency commissioner shall not hold any public office under the City other than their commissionership with respect to the Urban Renewal Agency.

3. Compensation. An Agency commissioner shall receive no compensation for services rendered, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his or her duties.

4. Removal from office. An agency commissioner may be removed for inefficiency, neglect of duty, or misconduct in office.

5. Duties. The Agency shall administer the Livingston Urban Renewal Plan, and in so doing shall have all the powers and limitations as set forth in Title 7, Chapter 15, Parts 42 and 43 of the MCA, including, but not limited to 7-15-4233 MCA.

(a) The Agency shall file with the City of Livingston, on or before September 30 of each year, a report of its activities for the preceding fiscal year. The report shall include a complete financial statement setting forth its assets, liabilities, income and operating expenses as of the end of the fiscal year.

(b) At the time of filing the annual report, the agency shall publish in a newspaper of general circulation in the City of Livingston, a notice to the effect that such report has been filed

with the city and that the report is available for inspection during business hours in the office of the City Clerk and in the office of the Agency.

6. Conflict of Interest. An agency commissioner shall not have an interest in any urban renewal project as set forth in 7-15-4239 MCA:

(1)(a) No public official, no employee of a municipality or urban renewal agency, and no department or officers which have been vested by a municipality with urban renewal project powers and responsibilities under 7-15-4231 shall voluntarily acquire any interest, direct or indirect, in any urban renewal project of such municipality, or in any contract or proposed contract in connection with such urban renewal project.

(b) Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body.

(2) If any such official or department or division head owns or controls or owned or controlled within 2 years prior to the date of hearing on the urban renewal project any interest, direct or indirect, in any property which he knows is included in an urban renewal project, he shall immediately disclose this fact in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. Any such official or department or division head shall not participate in any action on that particular project by the municipality or urban renewal agency, department, or officers which have been vested with urban renewal project powers by the municipality pursuant to the provisions of 7-15-4231.

ARTICLE III – OFFICERS

1. Officers. The Officers of the Agency shall consist of a Chairman, Vice Chairman and a Secretary.

A. The Chairman shall preside over all meeting of the Agency.

B. The Vice Chairman, in the absence of the chairman, will preside over the meeting.

C. The Secretary shall keep an accurate record of the proceedings and transactions of all regular or special meetings of the Agency and to provide the minutes thereof to all members.

2. Election of Officers. The officers shall be elected from the membership of the Agency at the Annual Meeting by a simple majority vote of the voting members of the board.

3. Vacancy. A vacancy in any of the aforementioned offices shall be filled by election by members of the Agency at either the next regularly scheduled meeting or at a special meeting duly called and noticed. The person so elected shall fill the vacancy until the next election.

ARTICLE IV – MEETINGS

1. Annual Meeting. The Annual Meeting shall be held in January of each year for the purpose of conducting election of officers.

2. Regular Meetings. Regular meetings shall be scheduled as determined by a simple majority vote of the voting members of the board.

3. Special Meetings. A special meeting may be called by the Chairman or at the request of 3 members of the Agency.

4. Place of Meetings. All meetings of the Agency shall be held in the City-County Complex, 414 East Callender Street, Livingston, Montana, unless otherwise specified and duly noticed.

5. Notice of Meetings / Open Meeting Law. Meetings of the agency are subject to Montana's Open Meeting Laws as set forth in 2-3-101 *et seq* MCA. Except for emergencies, written notice providing the date, time, and location for the meeting, and in the case of a special meeting the purpose thereof, shall be mailed to the members not less than 7 days prior to the meeting date. In addition, public notice shall be published in the local newspaper at least twice before the meeting date and posted on the City's Bulletin Board.

6. Quorum. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers and responsibilities of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present unless in any case the bylaws shall require a larger number.

ARTICLE V – RULES OF PROCEDURE

1. Rules of Procedure. The Agency shall use the same rules of procedure as the Livingston City Commission.

ARTICLE VI – AMENDING THE BYLAWS

1. Amending the Bylaws. The bylaws may be amended by a majority vote of the members following written notification of the proposed amendment made at least 30 days prior to the meeting at which the amendment will be considered and approval by the City Commission.

ARTICLE VII – ADOPTION OF BYLAWS

1. Adoption of bylaws. Accordingly, subject to the approval of the Livingston City Commission, we the undersigned, being all of the members of the Livingston Urban Renewal Agency, do hereby adopt the foregoing bylaws, dated this _____ day of _____, 2010.

_____ (Chairman)

_____ (Vice Chairman)

_____ (Agency Commissioner)

_____ (Agency Commissioner)

Attest:

_____ (Secretary)